

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

James Christopher Matuse,

Plaintiff,

vs.

Marina Bender Hamilton; Geoffry M. Dunn,

Defendants.

C/A No. 0:19-1005-JFA-PJG

ORDER

Plaintiff James Christopher Matuse (“Plaintiff”), proceeding *pro se* and *in forma pauperis*, brought this action pursuant to 42 U.S.C. § 1983 alleging his Fifth Amendment right and Fourteenth Amendment right have been violated. Plaintiff files this action in forma pauperis under 28 U.S.C. § 1915 and § 1915A. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), D.S.C., the case was referred to a Magistrate Judge for review.

Because the Complaint was filed pursuant to 28 U.S.C. §§ 1915, 1915A, this Court is charged with screening Plaintiff’s lawsuit to identify cognizable claims or to dismiss the complaint if, after being liberally construed, it is frivolous, malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B).

The Magistrate Judge assigned to this action¹ prepared a thorough Report and Recommendation (“Report”) and opines that this Court should dismiss the complaint in this case

¹ The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.). The Magistrate Judge makes only a recommendation to this Court.

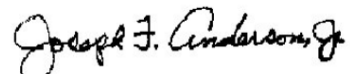
without prejudice and without issuance and service of process because habeas corpus is the exclusive remedy for a state prisoner who challenges the fact or duration of his confinement and seeks immediate or speedier release, even though such a claim may come within the literal terms of § 1983. (ECF No. 8). The Report sets forth, in detail, the relevant facts and standards of law on this matter, and this Court incorporates those facts and standards without a recitation.

Plaintiff was advised of his right to object to the Report, which was entered on the docket on April 30, 2019. (ECF No. 8). The Magistrate Judge required Plaintiff to file objections by May 19, 2019. *Id.* However, Plaintiff did not file any objections. In the absence of specific objections to the Report of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

After carefully reviewing the applicable laws, the record in this case, as well as the Report, this Court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. Accordingly, the Court **adopts** the Report and Recommendation (ECF No. 8). Thus, Plaintiff's complaint is **dismissed** without prejudice and without issuance and service of process.

IT IS SO ORDERED.

September 3, 2019
Columbia, South Carolina


Joseph F. Anderson, Jr.
United States District Judge

The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b).